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The Honorable Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MARY LOU GRANDE and MARK
DOUGLAS GRANDE,

Plaintiffs,

vs.

US BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR LEHMAN XS TRUST
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2007-7 ("US
BANK"), AND NATIONSTAR MORTGAGE
LLC D/B/A MR. COOPER, QUALITY LOAN
SERVICE CORPORATION OF
WASHINGTON and Doe Defendants 1 through
20,

Defendants.

No. 2:19-cv-00333-MJP

DECLARATION OF CHRISTINA L
HENRY IN SUPPORT OF MOTION
FOR RELIEF FROM CASE SCHEDULE
DEADLINE

Noted for Court Calendar:

January 31, 2020

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1 I, Christina L Henry, declare as follows:

2 1. I am one of the attorneys for the Plaintiffs Mary Lou Grande and Mark Douglas
3 Grande. I have personal knowledge of the facts as stated herein and can testify that they are
4 true and correct to the best of my knowledge at this time.

5 2. My co-counsel and I have been working on trying to obtain complete and
6 proper discovery responses from counsel for the Defendants since July 2019.

7 3. We have held been repeated discovery conferences, granting of additional time
8 for Defendants to respond – all to no avail.

9 4. To this day, my co-counsel and I have still not received supplemental responses
10 and requests for production promised and Defendants and their counsel continue to refuse to
11 properly respond to interrogatories, to produce responsive documents and are withholding
12 documents based upon attorney-client and/or work product privilege without providing
13 Plaintiffs with a privilege log.

14 5. On November 12, 2019, my co-counsel and I tried to resolve the discovery
15 disputes by sending a Joint Discovery Dispute Submission, under LCR 37 to counsel for the
16 Defendants, Mr. Varallo.

17 6. On November 18, 2019, Mr. Varallo told me and my co-counsel that he refused
18 to use that process. He did not provide any explanation for refusing to use it but contended
19 that somehow the information on that form had given him new insight into the basis for the
20 Plaintiffs' discovery requests. The form did not provide any new information at all. *See*
21 **Exhibit A.**

22 7. In a follow up discovery conference on November 21, 2019, Mr. Varallo
23 assured me and my co-counsel that he would review this “new” information and then get back
24 to us with supplemental responses and additional documents production as a result.

25 8. Since that date, November 21, 2019, Plaintiffs have not responded with any
26 additional responses nor any additional documents.

1 9. I was working on the Motion to Compel in the week prior to January 2, 2020;
2 however, both myself and my co-counsel were involved in separate trials during that same
3 time period.

4 10. Then unexpectedly, I became an essential member of the trial team for a case
5 set to go to trial on December 30, 2019, *National Collegiate Student Loan Trust 2006-I v.*
6 *Shauna Tachibana*, Case# 18-2-27383-8 SEA in King County Superior Court.

7 11. Initially my involvement in the case was minor, with an intention to assist in
8 trial strategy and in a capacity that would not require my daily presence in courtroom and after
9 hours.

10 12. However, events quickly changed as to a key issue in the case which involved
11 my input significantly because I had drafted the motions in *limine*. Events prompted the trial
12 court to ask for additional briefing from all parties, a continuance of the trial and the allowance
13 of a late deposition three days later. Since I had unique knowledge and information that was
14 vital to the other attorneys on the case, my role changed from a minor one to that of an essential
15 attorney required to be present and available on all matters pertaining to the case.

16 13. With this fast and unexpected change of events, although I had started the
17 discovery motion against Defendants Nationstar and U.S. Bank prior to the start of the trial, I
18 unexpectedly found myself unable to finish the necessary coordination and completion of that
19 motion with my co-counsel Melissa Huelsman by the January 2, 2020 deadline.

20 14. Nonetheless, Ms. Huelsman and I were able to work together on the motion to
21 compel over the weekend to get it into final form.

22 15. Then we worked together until very late into the evenings on Monday and
23 Tuesday, January 5 and 6, 2020 to complete the supporting declarations, including putting
24 together all of the necessary exhibits because they wanted to have it ready to be filed by
25 Wednesday.

26 16. On Wednesday, however I fell seriously ill, necessitating another delay. After
seeing a doctor and receiving a diagnosis and medication on Thursday, January 9th, I continued

1 to work as much as I was able until we managed to complete both motions and supporting
2 declarations on Friday, January 10, 2019.

3 SIGNED under penalty of perjury under the laws of the State of Washington at Seattle,
4 Washington, this 10th day of January 2020.

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6 *By: /s/ Christina L Henry*
Christina L Henry, WSBA # 31273
7 *Attorney for the Plaintiffs*
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